

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILD FISH CONSERVANCY,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF  
FISH & WILDLIFE; KELLY  
SUSEWIND, in his official capacity as the  
Director of the Washington Department  
of Fish & Wildlife; BARBARA BAKER, in  
her official capacity as Chair of the  
Washington Fish & Wildlife Commission;  
MOLLY LINVILLE, in her official  
capacity as Vice Chair of the Washington  
Fish & Wildlife Commission; JAMES  
ANDERSON, in his official capacity as a  
member of the Washington Fish &  
Wildlife Commission; LORNA SMITH, in  
her official capacity as a member of the  
Washington Fish & Wildlife Commission;  
JOHN LEHMKUHL, in his official  
capacity as a member of the Washington  
Fish & Wildlife Commission; TIM  
RAGEN, in his official capacity as a  
member of the Washington Fish &  
Wildlife Commission; MELANIE  
ROWLAND, in her official capacity as a  
member of the Washington Fish &  
Wildlife Commission; and KIM  
THORNBURN, in her official capacity as  
a member of the Washington Fish &  
Wildlife Commission,

Defendants.

CASE NO. 21-cv-169

ORDER GRANTING MOTION TO  
STAY ORDER AWARDING  
LITIGATION EXPENSES WITHOUT  
POSTING BOND

1 This matter comes before the Court on Defendants' Notice of Appeal and  
2 Motion to Stay Order Awarding Litigation Expenses Without Posting Bond, seeking  
3 relief from Fed. R. Civ. P. 62(b)'s requirement that they post bond pending appeal.  
4 See Dkt. No. 95, 96. In their motion, Defendants represent that if the Court's Order  
5 awarding litigation fees and expenses is affirmed, they will pay the fees and related  
6 expenses to Plaintiff, that there is no risk of prejudice to Plaintiffs and or of  
7 Defendants becoming insolvent. Plaintiffs do not oppose Defendants' motion given  
8 the proposed terms. See Dkt. No. 100.

9 This Court has broad discretion to waive Rule 62's bond requirement if it sees  
10 fit. *Townsend v. Holman Consulting Corp.*, 881 F.2d 788, 796-97 (9th Cir. 1989),  
11 *vacated on other grounds*, 929 F.2d 1358 (9th Cir. 1990). Based on Defendants'  
12 representations and Plaintiff's non-opposition, the Court finds cause to GRANT the  
13 motion and waive the bond requirement.

14 It is so ORDERED.

15 Dated this 20th day of May, 2024.

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Jamal N. Whitehead  
18 United States District Judge  
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